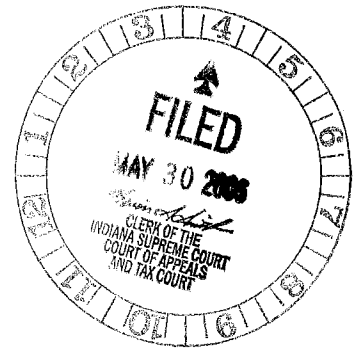


In the  
Indiana Supreme Court



IN THE MATTER OF )

APPROVAL OF LOCAL RULES )

FOR WASHINGTON COUNTY )

Cause No. 88S00-0606-MS-201

**ORDER APPROVING AMENDMENT TO LOCAL RULES**

Pursuant to Ind. Trial Rule 81(D), the Hon. Robert L. Bennett, Judge of the Washington Circuit Court and the Hon. Frank Newkirk, Jr., Judge of the Washington Superior Court, request this Court's approval of an amendment to Washington County Local Rule LR88-CR2.2-4.

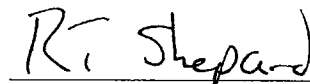
Upon examination of the proposed rule amendment requested by the Washington Circuit and Superior Courts, this Court finds that the proposed rule amendment to Local Rule LR88-CR2.2-4 complies with the requirements of Ind. Criminal Rule 2.2 and, accordingly, should be approved effective thirty (30) days after the rule has been posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

IT IS, THEREFORE, ORDERED by this Court that Washington County Local Rule LR88-CR2.2-4, set forth as an attachment to this Order, is approved effective thirty (30) days after the rule has been posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Robert L. Bennett, Washington Circuit Court, 99 Public Square, #200, Salem, IN 47167-2098; the Hon. Frank Newkirk, Jr., Washington Superior Court, 801 Jackson Street, Salem, IN 47167-1218, and to the Clerk of the Washington Circuit and Superior Courts.

The Clerk of the Washington Circuit and Superior Courts is directed to enter this Order and attachment in the Record of Judgments and Orders for the Court, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 30<sup>th</sup> day of May, 2006.

A handwritten signature in dark ink, reading "R. T. Shepard", written over a horizontal line.

Randall T. Shepard  
Chief Justice of Indiana

# **AMENDED LOCAL RULES OF THE WASHINGTON CIRCUIT AND SUPERIOR COURTS**

## **LR88-CR2.2-1 ~~LOCAL RULE 1~~ – CRIMINAL CASE ASSIGNMENT**

All cases containing any count alleging an alcohol or controlled substance offense, or alleging non-support of a dependent child shall be assigned to the Washington Superior Court, with all other criminal cases assigned to the Washington Circuit Court.

## **LR88-CR2.2-2 ~~LOCAL RULE 2~~ – TRANSFER OF CRIMINAL CASES**

The judge of the Washington Circuit or Superior Court may

- A. Direct in writing that a new case may be filed in the other Court, or
- B. By appropriate order entered in the Record of Judgment and Orders, transfer and reassign any pending case to the other Court.

Such transfer or filing is subject to acceptance by the receiving Court.

## **LR88-CR2.2-3 ~~LOCAL RULE 3~~ – REFILING AND SUBSEQUENT FILINGS OF CRIMINAL CASES**

When the State of Indiana dismisses a case and chooses to re-file that case, the case shall be assigned to the court from which the dismissal was taken.

## **LR88-CR2.2-4 ~~LOCAL RULE 4~~ – REASSIGNMENT OF CRIMINAL CASES**

When a motion for change of judge has been granted, the Clerk shall assign a new judge randomly from the following list of Courts:

- |                                   |  |
|-----------------------------------|--|
| 1. Richard D. McIntyre, Sr. _____ | Lawrence Circuit Court                             |
| 2. Raymond Kern _____             | Lawrence Superior Court <u>1</u>                   |
| 3. William G. Sleva _____         | Lawrence <del>County</del> Superior Court <u>2</u> |
| 4. James Kleopfer _____           | Scott Circuit Court                                |
| 5. Nicholas South _____           | Scott Superior Court                               |

6. ~~Either Judge Robert L. Bennett or Judge Frank Newkirk, Jr. depending from whom the change has been taken.~~ Washington Superior Court
7. Washington Circuit Court

By order of adoption of these rules, the Indiana Supreme Court, ~~pursuant to I.C. 33-2-1-7-8~~ temporarily transfers sitting judges of the above listed Courts to the Washington Circuit and Superior Courts for the purpose of reassignment of felony and misdemeanor cases.

### **LR 88-CR2.2-5 LOCAL RULE 5 – APPOINTMENT OF SPECIAL JUDGE IN CRIMINAL CASES BY INDIANA SUPREME COURT**

In the event no judge is available for assignment or reassignment of a felony or misdemeanor case, such case shall be certified to the Indiana Supreme Court for the appointment of a special judge. In the event the judge presiding in a felony or misdemeanor case concludes that the unique circumstances presented in such proceedings require appointment by the Indiana Supreme Court of a special judge, this presiding judge may request the Indiana Supreme Court for such an appointment.

### **LR88-TR79-6 LOCAL RULE 6 - APPOINTMENT OF SPECIAL JUDGES**

- A. Selection of Assignment Judge. On or before October 1<sup>st</sup> of each year, the Judges of the Circuit and Superior Courts of Washington County shall meet with the presiding judges of Administrative District 14 for the purpose of selecting a judge designated as the assignment judge who shall serve the Administrative District for a period of twelve (12) months.
- B. Section H Appointments. In the event it becomes necessary to appoint a special judge under Section H of Trial Rule 79 of the Indiana Rules of Trial Procedure, the judge before whom the case is pending shall send notice of the need of the appointment of a special judge to the Administrative District's assignment judge who shall then make such assignment within five (5) days of receiving said notice.
- C. Method of Assignment. The Administrative District's assignment judge shall select special judges from a roster of the available judges in the Administrative District. The assignments shall be a sequential order beginning with the name of the judge following the last judge so assigned. If, however, because of travel considerations a judge has been passed over or if a judge is otherwise disqualified to hear a particular case, that judge shall be deemed to be the next in sequence until assigned a case. The assignment judge shall maintain a record of all assignments and shall issue a summary report of the assignments on a quarterly basis.
- D. Travel Considerations. In making the selection of a special judge, the assignment judge shall consider that travel of more than forty (40) miles in one direction is not effective use of judicial resources.

- E. Roster of Available Judges. The roster of available judges in Administrative District 14 shall be maintained by Court designation in the following sequential order and shall include senior judges as available:

- |                       |  |
|-----------------------|--|
| (1) Clark Circuit     | (10) Harrison Superior                   |
| (2) Clark Superior #1 | (11) Orange Circuit                      |
| (3) Clark Superior #2 | (12) Orange Superior                     |
| (4) Clark Superior #3 | (13) Scott Circuit                       |
| (5) Crawford Circuit  | (14) Scott Superior                      |
| (6) Floyd Circuit     | (15) Washington Circuit                  |
| (7) Floyd Superior    | (16) Washington Superior                 |
| (8) Floyd County      | (17) Senior Judge Scott Miller Judges    |
| (9) Harrison Circuit  | <u>approved for the requesting Court</u> |

Appointment Order. Upon selecting a special judge, the assignment judge shall prepare an Order of Appointment and forward said Order to the judge before whom the case is pending who shall then sign and enter the Order of Appointment and forward a copy of the Order to the special judge and the attorneys of record.

- F. Acceptance of Jurisdiction. The Order of Appointment, when entered by the judge before whom the case is pending, shall constitute acceptance of jurisdiction by the appointed special judge unless the judge is otherwise disqualified, and no special appearance, oath or additional evidence of acceptance shall be required.

- G. Form of Order. The Order of Appointment shall be in the following form:

IN THE \_\_\_\_\_ COURT FOR \_\_\_\_\_ COUNTY

STATE OF INDIANA

(Caption)

ORDER OF APPOINTMENT

Under the provisions of Trial Rule 79(H) of the Indiana Rules of Trial Procedure, the Honorable \_\_\_\_\_ of the \_\_\_\_\_ Court of \_\_\_\_\_ County is hereby appointed to serve as special Judge in the above-captioned case.

SO ORDERED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Judge, \_\_\_\_\_ Court

Assigned this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Administrative District #14  
Assignment Judge

- H. Implementation of Rule. In the event a selected Judge does not accept an appointment to serve as a special Judge under the provisions of section (D), (E) or (F) of Trial Rule 79 of the Indiana Rules of Trial Procedure, the judge before whom the case is pending shall notify the assignment judge of the need for an appointment of a special judge under this local rule.
- I. Certification to Supreme Court. If, under the provisions of this rule, no judge is eligible to serve as a special judge in a case, the assignment judge shall notify the judge before whom the case is pending who shall then certify such fact to the Indiana Supreme Court for the appointment of a special Judge.
- If the judge before whom the case is pending is of the opinion that the particular circumstances of a case warrants selection of a special judge by the Indiana Supreme Court, said judge shall certify such facts to the Indiana Supreme Court for the appointment of a special Judge. Under such circumstance this Rule shall not be implemented unless the Indiana Supreme Court declines to appoint a special Judge.

~~LR88-AR15-7~~ **LOCAL RULE 7 – IMPLEMENTATION OF  
ADMINISTRATIVE RULE 15**

The Courts of Washington County, Indiana adopt the following rules for Court Reporters services pursuant to Administrative Rule 15.

1. Each Court Reporter shall be paid an annual salary for time spent working under the control, direction and direct supervision of the Court during any regular work hours, gap hours, or overtime hours.
2. Regular working hours shall be 35 hours per week. Gap hours shall be worked in excess of 35 hours per week. Overtime hours shall be hours worked in excess of 40 hours.
3. That for any gap or overtime hours worked, the Court and Court Reporter shall enter into a written agreement whereby compensation for such work shall be as follows:
  - a. Compensatory time off from regular work hours shall be given in an amount equal to the number of gap hours worked.
  - b. Compensatory time off from regular work hours shall be give in the amount of one and one-half (1½) times the number of overtime hours worked.
4. The Court Reporter shall be compensated at the rate \$4.00 per page for any county indigent, state indigent or private transcripts prepared. The Court Reporter shall submit directly to the County a claim for the preparation of the county indigent transcript as other county claims are submitted. If the Court Reporter is required to prepare an expedited transcript, the maximum per page fee shall be \$7.00 where the transcript must be prepared within 24 hours or less and \$5.50 where the transcript must be prepared within 3 working days. Index and Table of Contents will be charged at the same rate as the other pages.

5. A minimum fee of Forty Dollars (\$40) will be charged for transcripts less than ten (10) pages in length.
6. Additional fees shall be added to the cost of the transcript for the following:
  - a. Reasonable cost of office supplies necessary for preparation and binding of the transcript, which shall be determined by the judges and published annually as the "Schedule of Transcript Supplies."
  - b. Labor charge in the sum of the approximate hourly rate of the Court Reporter's annual court compensation for time spent binding the transcript and the exhibit binders.
7. If a transcript is prepared for purposes of appeal, the original paper transcript shall be forwarded to the Clerk upon completion. The Court Reporter is also directed to produce two (2) copies of an electronically formatted transcript, one of which shall become an official record of the Court proceedings and kept in the Court where said proceeding was held, and the other shall be submitted to the Clerk along with the original paper transcript.
8. Any transcript prepared for reasons other than appeal shall be delivered to the requesting party.
9. Each Court Reporter who received income from the preparation of transcripts shall report such amounts, at least annually, to the Indiana Supreme Court Division of State Court Administration, on forms prescribed by such Division.
10. Should any Court Reporter elect to engage in the private business of recording and/or transcribing depositions, they shall do so outside of regular working hours and the Court's equipment, work space and supplies shall not be used for such purposes.
11. This local rule shall be applicable in all proceedings effective immediately.

#### LR88-JR04-8 ~~LOCAL RULE 8~~ – JUROR SUMMONING

Pursuant to Indiana Jury Rule 4, the courts adopt the Single Tier Notice and Summons Procedure for summoning jurors. Accordingly, the jury administrators shall send a summons at the same time the Jury Qualification form and notice is mailed, which shall be at least six weeks before jury service.